

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID GOUDIE and SEAN
FARMEN, individually and on
behalf of all others
similarly situated,

08-CV-507-AC

ORDER

Plaintiffs,

v.

CABLE COMMUNICATIONS,
INCORPORATED, incorporated in
the State of Nevada,

Defendant.

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J. DANA PINNEY
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BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#36) on August 20, 2008, in which he recommends the Court grant Plaintiffs' Motion (#12) to Proceed as A Collective Action and to Facilitate Notice Pursuant to 29 U.S.C. § 216(b) and order the matter to proceed under conditional certification as set out in the Findings and Recommendation. Defendant filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

This Court has carefully considered Defendant's Objections and concludes Defendant's Objections do not provide a basis to modify the Findings and Recommendation. The Court also has

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reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#36), **GRANTS** Plaintiffs' Motion (#12) to Proceed as A Collective Action and to Facilitate Notice Pursuant to 29 U.S.C. § 216(b), and **ORDERS** the action to proceed under conditional certification as set out in the Findings and Recommendation.

IT IS SO ORDERED.

DATED this 14th day of October, 2008.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge